

Appl. No. : 10/063,553
Filed : May 2, 2002

REMARKS

In response to the final Office Action dated December 22, 2006, Applicants submit the foregoing amendments and following remarks. Claims 9 and 14-17 have been cancelled. Claim 6 has been amended to remove reference to specific amino acid residues. Applicants thank the Examiner for his review of the instant application. For the reasons stated below, the rejections of the presently pending claims are respectfully traversed. Claims 6-7 and 11-13 remain present for examination. Reconsideration of the application is respectfully requested.

Withdrawn Rejection

Applicants acknowledge and thank the Examiner for the withdrawal of the rejection of the claims for lack of specific and substantial utility.

Rejections under 35 U.S.C. § 112, first paragraph – Enablement

Claims 6, 9 and 12-17 have been rejected under 35 U.S.C. § 112, first paragraph. Specifically, the PTO asserts that the specification does not reasonably provide enablement for polypeptides which either consist of, or comprise, residues 32-49 or 111-190 of SEQ ID NO:48, or for variants 95% or 99% identical to SEQ ID NO:48 which can be used to make antibodies to detect the full-length protein.

While the Applicants do not agree with the PTO's arguments, solely in the interest of furthering prosecution of the remaining claims, Applicants have amended Claim 6 to delete reference to residues 32-49 or 111-190 of SEQ ID NO:48, and have cancelled Claims 9 and 14-17.

Accordingly, Applicants request that the PTO reconsider and withdraw its rejection under 35 U.S.C. § 112, first paragraph.

Rejection under 35 U.S.C. §112, first paragraph – Written Description

The PTO maintains the rejection of Claims 14-17 under 35 U.S.C. § 112, first paragraph, as failing to satisfy the written description requirement for the reasons set forth in the previous Office Actions. As noted above, Applicants have cancelled Claims 14-17. Accordingly,

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Applicants respectfully request that the PTO withdraw the written description rejection under 35 U.S.C. §112.

Rejection under 35 U.S.C. §112, first paragraph – New Matter

The PTO rejects Claims 6, 9 and 12-17 under 35 U.S.C. § 112, first paragraph, as failing to satisfy the written description requirement. The PTO asserts that the claims each encompass polypeptides comprising amino acid sequences selected from residues 32-49 and 111-190 of SEQ ID NO:48, or polypeptides at least 95% identical thereto, or chimeric proteins comprising the same. The PTO says there is no support for proteins comprising these regions in the specification as originally filed.

As noted above, Applicants have amended Claim 6 to delete reference to residues 32-49 or 111-190 of SEQ ID NO:48, and have cancelled Claims 9 and 14-17. Accordingly, Applicants respectfully request that the PTO withdraw the new matter rejection under 35 U.S.C. §112.

CONCLUSION

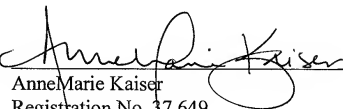
In view of the above, Applicants respectfully submit that claims as amended are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues may be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Jan. 22, 2007

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